Mark Nevitt

Associate Professor of Law, Emory University School of Law

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I am a climate adaptation and environmental governance legal scholar. My work examines the interplay between climate change and tort, property, and sovereign immunity doctrines, primarily through the lens of legal institutions' response to sea-level rise, disaster recovery, retreat, and migration. My scholarship appears or is forthcoming in the *Stanford Law Review, Columbia Law Review, Vanderbilt Law Review, Harvard Environmental Law Review, Iowa Law Review, Yale Journal on Regulation,* and *Washington University Law Review*. I am the co-author, with Robert V. Percival, of a leading environmental law casebook, and I proposed, developed and co-lead Emory Law's Environmental Law Concentration that commences Fall 2026.

ACADEMIC APPOINTMENTS

Emory University School of Law — *Atlanta, GA*
Associate Professor of Law (tenured) — 2024-present
Associate Professor of Law — 2022-2024

Syracuse University College of Law — *Syracuse, NY*
Associate Professor of Law — 2020-2022

U.S. Naval Academy — *Annapolis, MD*
Class of 1971 Distinguished Professor of Leadership & Law — 2019-2020

University of Pennsylvania Law School — *Philadelphia, PA*
George Sharswood Fellow, Lecturer-in-Law — 2017-2019

COURSES TAUGHT

Environmental Law, Constitutional Law, Natural Resources Law, Climate Change Law & Policy, National Security Law, Law of the Global Commons (addressing Law of the Sea, Space Law, & Cyberlaw).

BOOK

ENVIRONMENTAL REGULATION, LAW, SCIENCE, & POLICY (11th ed. 2027) (forthcoming) (with Robert V Percival) (under contract as co-author for 11th edition).

ACADEMIC PUBLICATIONS

Sovereign Immunity in a Warming World, 126 COLUMBIA LAW REVIEW ___ (2027) (forthcoming).

Reviving the Military's Term Limit, 95 GEORGE WASHINGTON LAW REVIEW ____(2027)(forthcoming) (with Matthew Lawrence).

- Article "Recommended" on the Legal Theory Blog

Statutory Loopholes and the Military, 58 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL ____ (2027) (forthcoming) (symposium).

Gas, the Gulf, and the "God Squad," 56 ENVIRONMENTAL LAW REPORTER ___ (2026) (forthcoming) (printed remarks).

The Recognition-Protection Gap: Transnational Climate Adjudication and the Structural Limits of International Law (with Stacy-ann Robinson) (under review).

When Climate Change Forces Flight: Legal Duties in the Age of Retreat, 111 IOWA LAW REVIEW 1065 (2026).

- Presented at Berkeley Law, University of Michigan Law, University of Virginia Climate Conference, AALS Environmental Law Works in Progress

A Scoping Review of Rapid-Onset Climate-Related Disasters & Gender-Based Violence Against Women, 52 CLIMATE RISK MANAGEMENT 100809 (2026) (with Ashley Ruiz et al.) (peer reviewed).

Constitutionalizing Climate Rights, 19 FLORIDA INTERNATIONAL UNIV. LAW REVIEW 1060 (2025) (invited symposium).

Destroy, Rebuild, Repeat: How to Break the Climate Disaster Cycle, 78 VANDERBILT LAW REVIEW 493 (2025).

- Presented at the UCLA/CU-Boulder Environmental Law Symposium; UGA Law/Emory Law Summer Research Symposium; Penn Law; 2024 AALS Environmental Law Workshop
- Featured on *America Adapts* podcast and Article featured in *Lawfare* and *Regulatory Review*.

Climate Science & Law for Judges: Overview of Sea Level Rise, ENVIRONMENTAL LAW INSTITUTE: CLIMATE JUDICIARY PROJECT (2025) (co-authored with Dr. Anne Halberstadt).

Climatizing National Security, UNIVERSITY OF CHICAGO LEGAL FORUM 239 (2024).

Climate Risk, Insurance Retreat, & State Response, 58 GEORGIA LAW REVIEW 1603 (2024) (with Michael Pappas).

The Legal Crisis Within the Climate Crisis, 76 STANFORD LAW REVIEW 1051 (2024).

- Presented at the University of Tennessee College of Law Distinguished Speaker Series (Feb. 2023).
- Key findings presented on *America Adapts* podcast and featured in *Lawfare*.

Environmental War, Climate Security, and the Russia-Ukraine Crisis, 84 OHIO STATE LAW JOURNAL 1359 (2024)(invited symposium).

Climate Change and the Specter of Statelessness, 35 GEORGETOWN ENVIRONMENTAL LAW REVIEW 331 (2023).

Climate Change and the Law of National Security Adaptation, 118 NORTHWESTERN UNIVERSITY LAW REVIEW ONLINE 126 (2023).

Climate Security Insights from the COVID-19 Response, 98 INDIANA LAW JOURNAL 815 (2023).

- Article featured on *Lawfare,* presented at the University of Maryland Law School.

Delegating Climate Solutions, 39 YALE JOURNAL OF REGULATION 777 (2022).

- Featured on Professor Solum's Legal Theory Blog.

Can Environmental Law Solve the "Forever Chemical" Problem?, 57 WAKE FOREST LAW REVIEW 239 (2022) (with Robert V. Percival).

- Selected for presentation at Richmond Law School's Junior Faculty Forum (Sept. 2021).
- Featured on Professor Solum's Legal Theory Blog; Reviewed on "JOTWELL"

The Remaking of the Supreme Court: Implications for Climate Change Litigation, 42 CARDOZO LAW REVIEW 101 (2022) (invited).

Is Climate Change a National Emergency?, 55 U.C. DAVIS LAW REVIEW 591 (2021) (lead article).

- Selected for presentation at AALS Environmental Law & National Security Law Sections, 2021.

- Selected for presentation at the University of Michigan Law School Junior Scholars Conference, 2021.
- Key Findings presented at the University of Chicago's Center for Effective Government.

Is Climate Change a Threat to International Peace and Security?, 42 MICHIGAN JOURNAL OF INTERNATIONAL LAW 527 (2021).

- Presented at Duke Law School, Florida Law School, St. John's Law School, and Syracuse Law.

The Climate Security Century: Three Climate Hotspots, TUFTS FLETCHER SECURITY REVIEW (2021).

Domestic Military Authority and the Coronavirus Pandemic, 11 JOURNAL OF NATIONAL SECURITY LAW & POLICY 107 (2020) (peer reviewed).

Climate Adaptation Strategies: How Do We "Manage" Managed Retreat?, UNIVERSITY OF PENNSYLVANIA KLEINMAN CENTER FOR ENERGY POLICY (2020) (grant project sponsored by University of Pennsylvania Kleinman Center).

On Environmental Law, Climate Change, and National Security Law, 44 HARVARD ENVIRONMENTAL LAW REVIEW 321 (2020)

- Presented to HLS Environmental Law Society & *Harvard Environmental Law Review* Roundtable.
- Selected for presentation at Columbia Law's Sabin Colloquium on Environmental Scholarship.
- Article featured in Penn Law's *Regulatory Review*, *An Actual War on Climate Change?*
- Presented at faculty workshops at Penn, Georgetown, and Texas A&M Law School.

The Operational and Administrative Militaries, 53 GEORGIA LAW REVIEW 905 (2019).

- Selected for presentation: 2018 AALS Annual Meeting & 2018 SEALS Junior Scholars Conference.
- Featured on Yale Journal of Regulation's blog; "Recommended" on Prof. Solum's Legal Theory Blog.

Could Official Climate Denial Revive the Common Law as a Regulatory Backstop?, 96 WASHINGTON UNIVERSITY LAW REVIEW 441 (2018) (with Robert V. Percival).

- Presented at Maryland Law (Sept. 2018) and Northwestern Law (Apr. 2019).

Polar Opposites: Assessing Environmental Law in the World's Polar Regions, 59 BOSTON COLLEGE LAW REVIEW 1655 (2018) (with Robert V. Percival).

- Selected for presentation: Pace Law School Future Environmental Law Professor Symposium, 2017.

Reflections on How Everything Became War and the Military Became Everything, 32 TEMPLE INTERNATIONAL AND COMPARATIVE LAW JOURNAL 69 (2018) (invited symposium).

The Commander in Chief's Authority to Combat Climate Change, 37 CARDOZO LAW REVIEW 438 (2015).

- Presented at Yale Law School's New Directions in Environmental Law, March 2017.

Unintended Consequences: The Posse Comitatus Act in the Modern Era, 36 CARDOZO LAW REVIEW 119 (2014).

- Featured on Prof. Solum's Legal Theory Blog.

The National Historic Preservation Act: Preserving History, Impacting Foreign Relations?, 32 BERKELEY JOURNAL OF INTERNATIONAL LAW 388 (2014).

Defending the Environment: A Mission for the World's Militaries, 36 HAWAII LAW REVIEW 27 (2014).

BOOK CHAPTER & ANTHOLOGY CONTRIBUTIONS

Energy Infrastructure Planning & Management in the Age of Climate Change (book chapter with "Climate Change and Infrastructure Law" with the Sabin Center at Columbia Law School)(2025).

The Climate-Security Nexus, ANTHOLOGY OF NATIONAL SECURITY LAW TRANSFORMATION (60TH ANNIVERSARY), AMERICAN BAR ASSOCIATION (2023) (invited contribution).

Environmental Law in Military Operations, *in* U.S. MILITARY OPERATIONS: LAW, POLICY, AND PRACTICE (OXFORD UNIV. PRESS 2016).

- Key findings presented at *Protection of the Environment in Military Operations,* United Nations International Law Committee (ILC), New York, NY (Oct. 2015).

CONGRESSIONAL TESTIMONY

U.S. Senate Committee on the Judiciary, *Hearing on How Mass Deportations Will Separate American Families, Harm our Armed Forces, and Devastate our Economy* (Dec. 10, 2024) (written statement for the record).

SELECT SCHOLARLY CONTRIBUTIONS

Contributing Editor, *Lawfare;* Masthead Editor, Just Security; Select Publications Include:

Can a President Unilaterally Withdraw—and Rejoin—the UN Climate Treaty?, LAWFARE (Feb. 23, 2026) (with Anissa Patel).

Eight Takeaways from the Texas Flood Tragedy, LAWFARE (Jul. 28, 2025).

On the United States, China, and COP29: Assessing the State of International Climate Progress After Baku, JUST SECURITY (Dec. 3, 2024).

Assessing COP28 & The New Global Climate Agreement in Dubai, JUST SECURITY (Dec. 18, 2023).

- Interviewed for *Just Security* podcast, Can the World Move Away from Fossil Fuels? (Dec. 22, 2023).

Can Law Adapt to Meet the Climate Crisis?, LAWFARE (Jun. 23, 2023).

Think Globally, Act Locally on Climate: Ban Gas-Powered Leafblowers, UNIVERSITY OF PENNSYLVANIA CAREY LAW SCHOOL REGULATORY REVIEW (Feb. 2023) (research published in Martha Stewart Living Magazine).

The Egypt Climate Change Summit: Four Key Questions to Help Frame COP27, JUST SECURITY (Nov. 8, 2022)

- Featured on Just Security's podcast, Recapping the U.N. Climate Talks (Dec. 2, 2022).

Climate Justice and Loss and Damage in the Pakistan Flood Crisis, LAWFARE (Sep. 2, 2022).

Book Review: Teaching and Learning Environmental Law, Pedagogy and Practice (Edgar) 12 INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN) JOURNAL OF ENVIRONMENTAL LAW 191 (2022).

Is it Time to "Climatize" the UN Security Council?, CENTER FOR CLIMATE & SECURITY (DEC. 17, 2021).

Key Takeaways from the Glasgow Climate Pact, LAWFARE (Nov. 2021).

China, Climate Change, and Credibility: Why the United States (Finally) Must Join the Law of the Sea Convention, JUST SECURITY (Sep. 23, 2021).

NATO's Renewed Focus on Climate Change & Security: What You Need to Know, JUST SECURITY (Jun. 23, 2021).

Is Climate Change a National Emergency?, JUST SECURITY (Feb. 25, 2021).

Climate Change, Arctic Security, & Why the U.S. Should Join the U.N. Convention on Law of the Sea, Penn Law, Center for Ethics of Rule of Law (Sep. 2020).

Climate Change: A Threat to International Peace and Security?, OPINIO JURIS (Aug. 2020).

Reform the Regulatory Takings Doctrine for the 21st Century, WHARTON CLIMATE SOLUTIONS (June 2019).

As We Adapt to Climate Change, Legal Doctrine Must Also Adapt, WHARTON CLIMATE SOLUTIONS (Aug. 2019).

Climate Change and Arctic Security: Five Questions Impacting Arctic Governance, JUST SECURITY (Sept. 14, 2017).

Should Arctic Environmental Governance Follow the Antarctic Model?, 18 AMERICAN BAR ASSOCIATION, ENVIRONMENTAL AND RESOURCES LAW COMMITTEE NEWSLETTER 4 (March 2016) (with Robert V. Percival).

SELECT POPULAR COMMENTARY & PODCASTS

The Endangerment Finding Explained, and What it Means for Adaptation, AMERICA ADAPTS PODCAST (Mar. 2026).

Vietnam War Still is Not Over for My Father and Other Agent Orange Victims, ATLANTA JOURNAL-CONSTITUTION (Nov. 8, 2025) (named the Atlanta Journal-Constitution's fifth "most impactful essay" for 2025).

Will Climate Change Push Some People into Statelessness?, MIGRATION POLICY INSTITUTE PODCAST (Oct. 2025).

Constitutional Barriers to Climate Adaptation, AMERICA ADAPTS PODCAST (Apr. 2023).

Understanding the Montreux Convention, CENTER FOR INTERNATIONAL MARITIME SECURITY'S PODCAST (2022).

As Climate-Related Disasters Intensify, Retreat Emerges as Adaptation Strategy, WHARTON SCHOOL ENERGY NOW PODCAST (Sep. 2020).

Climate Security and the Changing Threat Landscape, AMERICAN BAR ASSOCIATION NATIONAL SECURITY LAW TODAY PODCAST (July 2019).

Actually, the U.S. already has a Carbon Tax, WASHINGTON POST (Jan. 23, 2019) (with Cary Coglianese).

SELECT PRESENTATIONS

Fedder Environmental Law Lecture, University of Maryland Carey School of Law (November 2026) (invited).

Gas, the Gulf, and the "God Squad, Environmental Law Institute (Apr. 2026).

Insurance Law and Climate Change, AALS Annual Meeting (Jan. 2026).

Climate Change & Energy Security, Duke University School of Law (Mar. 2025).

When Climate Change Forces Flight: Legal Duties in the Age of Retreat, University of California, Berkeley School of Law (Feb. 2025).

Climate Change and Insurance Retreat, University of Georgia School of Law (Mar. 2024).

The National Security Challenges of Climate Change, Georgetown University Law Center (Mar. 2024).

Climate Change's Legal Destabilization, Emory Law's Center for International & Comparative Law (Dec. 2023).

Climate Change, Arctic Security, and Law of the Sea, ABA National Security Conference (Nov. 2023) (panel organizer with Admiral (ret.) Thad Allen, Vice Admiral Kevin Lunday, and Ms. Sherri Goodman.

The Inflation Reduction Act: One Year Later, Truman National Security Project (Sep. 2023).

The Power of Environmental Law, U.S. Navy Judge Advocate General's Corps Western Pacific, Yokosuka, Japan (Aug. 2023).

Maritime Environmental Security, U.S. Naval War College Cushing Conference, Newport, RI (May 2023) (panel organizer and commentator).

Climate Law, Policy, and Planning, Georgia Climate Conference, Athens, GA (May 2023)(panelist and co-organizer).

The Role of International Law and Naval Conflicts, Univ. of Virginia Law, Charlottesville, VA (Feb. 2023)

The Legal Crisis Within the Climate Crisis, University of Tennessee College of Law, Distinguished Speaker Series, Knoxville, TN (Feb. 2023).

Why Should National Security Lawyers Care About Climate Change?, American Bar Association Section on National Security Law, Washington, D.C. (Nov. 2022) (panel organizer and moderator).

All-4-One: Aligning Federal Agencies to Meet the Biden Environmental Agenda, American Bar Association Section on Environmental Law, Nashville, TN (Sep. 2022) (moderator).

Is Climate Change our Greatest National Security Threat?, Azure Forum on Climate Change, Ireland (Oct. 2021).

Climate Change and Law of the Sea, St. John's Law, Invited Panelist with Fijian Ambassador to the United Nations (Feb. 2021).

The Climate-Security Century, Harvard Law School Environmental Law Society, Cambridge, MA (Mar. 2020).

Climate Change and National Security: Top 10 Questions that Demand Answers, Law, Ethics, and National Security Symposium, Duke Law School (Feb. 2020) (remarks blogged for Lawfire here).

The Environment, Climate Change, and National Security, University of Virginia Law School, Center for National Security Law, Charlottesville, VA (Jun. 2019 & Jun. 2018).

Is There a Constitutional Right to a Clean Environment?, University of Pennsylvania Law School (Mar. 2019).

National Security, Climate Change, and the Changing Arctic, Tufts University (Nov. 2018) (keynote speaker).

Arctic, Climate Change, and Law of the Sea, Ninth National Security Workshop, Charlottesville, VA (Sep. 2018) (panel lead and conference co-organizer).

The Arctic and Maritime Polar Initiatives, The Wilson Center, Washington, D.C. (Apr. 2018).

Melting Ice, Growing Islands: The Law of the Sea in a National Security Context, American University Washington College of Law, Washington, D.C. (Mar. 2018).

New Directions in Environmental Law, National Security Policymaking in a Changing Climate, Yale Law School & Yale School of Forestry (Feb. 2017).

EDUCATION

Georgetown University Law Center *Washington, D.C.*
Master of Laws, Environmental Law, *with distinction,* 2012
Honors: Dean's List; Attended while serving as an active-duty naval officer

U.S. Naval War College *Newport, R.I.*
Joint Professional Military Education, National Security Diploma, 2007

Georgetown University Law Center *Washington, D.C.*
Juris Doctor, 2006
Honors: Dean's List; Attended while serving as an active-duty naval officer

University of Pennsylvania, Wharton School of Business *Philadelphia, PA*
Bachelor of Science in Economics, 1997
Honors: Dean's List; Full Tuition Navy Scholarship

U.S. NAVY ACTIVE-DUTY EXPERIENCE (1997-2017)

- Commissioned as a naval officer via the University of Pennsylvania Naval ROTC.
- Served as a naval tactical jet aviator and attorney ("JAG") in assignments throughout the world.
- Honorably served in the rank of Commander after 20 years of service through July 2017.

Select Assignments:

Attorney-Advisor & Deputy Division Director, Administrative Law *Pentagon*
Office of the Judge Advocate General
- Supervised 15 attorney-advisors on all aspects of administrative law impacting the Department of the Navy and Marine Corps, including constitutional law, diversity initiatives, and legislative review.

International Law Advisor, U.S.-Iran Farsi Island Incident *Manama, Bahrain*
Commander, U.S. Fifth Fleet/Naval Central Command
- Senior legal advisor, U.S. investigation into Iranian detention of U.S. sailors, Farsi Island, Iran.

Department of Defense Regional Environmental Counsel *Norfolk, VA*
Region Legal Service Office Mid-Atlantic
- Lead counsel for climate change and sea level efforts in the Mid-Atlantic. Led the Navy's legal and policy position on a whole-of-government climate change pilot project.

International Law & Ethics Attorney *Naples, Italy*
Commander, U.S. Naval Forces Europe/Africa, Sixth Fleet
- Advised four-star Admiral staff on all areas of international and national security law in a 101-nation region including international agreements, rules of engagement, piracy, and law of the sea.

Tactical Jet Aviator *San Diego, CA*

- Mission Commander: S-3B "Viking" aircraft; 1,100 flight hours, 290 aircraft carrier arrested landings.

ACADEMIC SERVICE

Emory University School of Law

- Co-Founder & Co-Administrator, Environmental Law Concentration (with Mindy Goldstein)
- 2025-26: Dean's Advisory Committee (elected by faculty vote); Curriculum Committee (Chair); Community Building Committee; Faculty Advisor: *Emory Law Journal*, Emory Environmental Law Society, National Security Law Society
- 2024-25: Dean's Advisory Committee (elected); Curriculum Committee (Co-chair); Faculty Advisor: *Emory Law Journal*, Emory Environmental Law Society, National Security Law Society
- 2023-24: Dean's Advisory Committee (elected); Curriculum Committee (spring); Community Building Committee (co-chair)
- 2022-23: Appointments Committee; Tax Appointments Subcommittee – 2022-23; Community Building Committee

SELECTED HONORS

- Elected Fellow, American College of Environmental Law
- Vermont Law Distinguished Climate Scholar (2026)
- Stuart Feldman Award for "outstanding service to Penn Law's veteran community" (2019)
- MIT Seminar XXI Fellow (2015)
- White House Military Social Aide to the President of the United States (2003-2006)
- Navy Air Medal for "meritorious achievement in flight operations and completion of 50 combat missions in the face of hazardous flying conditions"

OTHER PROFESSIONAL ACTIVITIES

- Center for New American Security, Senior Adjunct Fellow (2026-present)
- Editorial Board Member, *Just Security* (2025-present)
- Masthead Member, *Lawfare* (2024-present)
- Editorial Board Member, *Journal of National Security Law & Policy* (2023-present)
- Board of Advisors, Naval War College *International Law Studies*
- Defense Council Member, Truman National Security Project (2013-present)
- Consensus Member, American Security Project (2022-present)
- Peer reviewer for submissions to *Journal of National Security Law and Policy, Melbourne Journal of International Law, Oxford Univ. Press, University of Wales Press, Stanford Law Review*
- Member, District of Columbia Bar (active); Maryland Bar (inactive)
- Media: *NY Times*, *Wash. Post*, *Economist, WSJ, Guardian, MSNOW, NBC News, NPR, Time, Bloomberg*